

Remarks

Applicants provide herewith an Amendment to the claims for the purpose of expediting prosecution only.

In the application, Claims 1-12, inclusive, are pending. Examiner has issued an Office Action dated August 22, 2006, wherein Claims 1 and 7 are objected to; Claims 19 and 10 are rejected under U.S.C. 101; and Claims 1-12 inclusive are rejected under U.S.C. 112, first paragraph.

Applicants have amended Claims 11 and 12 to provide clarity and definiteness. Applicants believe amendments find support in the specification and claims as filed and that no new matter has been added by said amendments to Claims 11 and 12.

Claim Objections

Examiner has objected to Claims 1 and 7 because the abbreviation(s) PCI, ACS, CVA and HRVD should be given as its full name or with full name in parenthesis therewith when first used. Applicants submit that PCI is defined on page 1 of the specification, as filed. Further, PCI, ACS, CVA and HRVD are given with the respective full names in parenthesis on page 5 of the application, as filed, under the DEFINITIONS section. Nonetheless, Applicants have complied with Examiner's suggestion and have amended Claim 1 accordingly and cancelled Claim 7.

Examiner has rejected Claims 9 and 10 because the claimed invention is not "supported by a method asserted utility or a well established utility." Applicants for the purpose of expediting prosecution only, have cancelled Claim 9 and amended Claim 10. Claim 10 is now directed to a method of the invention as disclosed, for the treatment of acute coronary syndrome. Acute coronary syndrome is well supported in the specification and it is an established disease state(s) known to one of skill in the art. Applicants respectfully request withdrawal of the rejection of Claim 10 on the basis of 35 U.S.C. 101.

Rejections Under 35 U.S.C. 112, First Paragraph

Examiner has rejected Claims 9 and 10 under 35 U.S.C. 112, first paragraph. Examiner opines that the claims are not "supported by either a method asserted utility or a well established utility. Applicants have cancelled Claim 9 and amended Claim

10 to limit the claim scope to the compound of formula I and salts thereof. Applicants have also amended Claim 10 to limit the disease state to acute coronary syndrome, and limit the scope of PCI to stent or balloon angioplasty. Applicants believe the amendments so made are well supported by the specification and should place Claim 10 in condition for allowance.

Examiner has rejected Claims 1-12 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, Examiner objects to inclusion of the groups – solvates, active metabolites, prodrug, racemates or enantiomers thereof of the compound of formula I in the claims. Applicants have amended or cancelled some of Claims 1-12 as applicable to delete these groups. Applicants believe the amendments so made should now place the applicable claims in condition for allowance.

Examiner has rejected Claims 1-12 under 35 U.S.C., first paragraph, because “the specification, while being enabling for treating a representative of cardiovascular disease, does not reasonably provide enablement for treating or preventing heart disease, stroke, atherosclerosis, coronary heart disease, angina, coronary artery disease, hypertension and heart failure.” Applicants have amended Claims 1-12 as applicable to limit the disease states to acute coronary syndromes, high risk vascular disease or cerebrovascular aneurysms.

In view of the amendments herein, Applicants believe that amended Claims 1-5, 10 and 11 now presented are in condition for allowance. Examiner is encouraged to contact Applicants’ attorney at the exchanges below should it be necessary to discuss and/or provide advisory opinion regarding allowance of the claims.

Respectfully submitted,

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October 26, 2006